

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOSEPH RAY,
Petitioner,

vs.

Case No. 1:16-cv-571

Black, J.
Bowman, M.J.

PROBATION OFFICER
CONNIE CONLON,
Respondent.

**REPORT AND
RECOMMENDATION**

Petitioner, who apparently is in state custody under the supervision of the respondent Hamilton County, Ohio, probation officer, has filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) in connection with a *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2254. (Doc. 1).

The total filing fee due in this habeas corpus action is \$5.00. Upon review of petitioner's financial affidavit, it appears that he has sufficient funds available at this time to pay the full \$5.00 filing fee required to institute this action. Accordingly, petitioner's application for leave to proceed *in forma pauperis* (Doc. 1) should be **DENIED** and petitioner ordered to pay the **full filing fee of \$5.00** within **thirty (30) days** of the date of any Order adopting this Report and Recommendation. Petitioner should also be notified that if he fails to pay the \$5.00 filing fee within the requisite 30-day period, this case will be closed on the Court's docket.

IT IS SO RECOMMENDED.

s/Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), WITHIN 14 DAYS after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections WITHIN 14 DAYS after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

cbc